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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/562,872

**Applicant(s)**

FROIDCOEUR ET AL.

**Examiner**

FARRUKH HUSSAIN

**Art Unit**

2444

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 December 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 and 20-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 20-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. In View of the Appeal Brief filed on 12/02/2009, PROSECUTION IS HEREBY REOPENED.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

***Response to Arguments***

2. Applicant's arguments filed 12/02/2009 have been fully considered but they are not persuasive.

3. The examiner would like to state that the examiner missed to address Claim Rejection under 35 USC § 101 regarding claim 13 in the last Final Action. Therefore, the examiner has addressed the Claim Rejection under 35 USC § 101 regarding claim 13 and is issuing a Non Final Action.

3. With respect to the Specification, Claim Rejection under 35 USC § 101 and the Claim Rejection under 35 USC § 103 (a) have been maintained.

4. With respect to the Claim Rejection under 35 USC § 101, claim 9, the specification does not define computer readable medium. Therefore, the examiner construes as any of a number of transmission types i.e., carrier wave, transmission media, data signal as well as a data structure each of these do not fall within the boundary of a statutory category of process, machine, manufacture, or composition of matter. There is nothing in the specification would lead one to believe that the media could not be a transmission or signal.

With respect to the claim 13, the claim recites A device comprising: a UPnP interface; a renderer that is configured to render content received from at least one media server; and a controller that is configured to control reception of the content from the media server; wherein: the controller is configured to receive a URI via the UPnP interface from an external UPnP Control Point, for receiving a content directory from the media server that provides an organization context of an item of the content, and to control selection of at least one subsequent item of the content based on the content directory.

It appears that claim 13 would interpret by one of ordinary skill as a device of software per se, failing to fall within a statutory category of process, machine, manufacture, or composition of matter. There is no hardware in claim 13.

Examiner respectfully submits that applicants' disclosure (page 1, lines 17-20 reciting "UPnP allows non-IP devices to be proxied by a software component running on IP-compliant devices. Such a component, called Controlled Device (CD) proxy, is responsible for translation and forwarding of UPnP interactions to the proxied device"

provides intrinsic evidence that the device of claim 13 is intend to cover "software", functional descriptive material, per se. As such, the device of "software" alone is not a machine, and it is clearly not a process, manufacture nor composition of matter. Thus, the claim is not limited to statutory subject matter and is therefore nonstatutory.

Point A. Applicants argues regarding claims 1-3, 5-7 and 9-11 that Salmonsens fails to teach or suggest a URI representation of a Content Directory Service description, and specifically fails to teach or suggest a Media- Renderer-Control-Point combination to receive or process a URI representation of a Content Directory Service description as claimed in each of the applicants' independent claims 1,5, 9, and 13, upon which claims 2-4, 6-8, 10-12, 14-18, and 20-21 depend.

As to Point A, the examiner respectfully disagrees. Salmonsens does teach or suggest a URI representation of a Content Directory Service description, and specifically teach or suggest a Media- Renderer-Control-Point combination to receive or process a URI representation of a Content Directory Service description as claimed in each of the applicants' independent claims 1,5, 9, and 13, upon which claims 2-4, 6-8, 10-12, 14-18, and 20-21 depend (*see paragraph 0123, lines 1-15 The media directory 518 stores Uniform Resource Identifiers (URIs) that identify content resources and see paragraph 0150, lines 1-8 The control point 932 requests information from the server 918 using commands such as Simple Object Access Protocol (SOAP) commands in the eXtended Markup Language Transmission Control Protocol (XML TCP) protocol. The*

*server 918 can respond with Unified Resource Identifiers (URIs) for play lists and content.)*

Point B. Applicants argues regarding claims 13-18 and 20-21 that The combination of Weast and Salmonsens fails to teach or suggest a controller that receives a URI via a UPnP interface from an external UPnP Control Point for receiving a content directory from a media server, and fails to teach or suggest controlling selection of a subsequent item of the content based on this content directory, as specifically claimed in claim 13, upon which claims 14-18 and 20-21 depend.

As to Point B, the examiner respectfully disagrees. The combination of Weast and Salmonsens do teach or suggest a controller that receives a URI via a UPnP interface from an external UPnP Control Point for receiving a content directory from a media server, and do teach or suggest controlling selection of a subsequent item of the content based on this content directory, as specifically claimed in claim 13, upon which claims 14-18 and 20-21 depend (*see Salmonsens paragraph 0150, lines 1-8 The control point 932 requests information from the server 918 (external UPnP Control Point) using commands such as Simple Object Access Protocol (SOAP) commands in the eXtended Markup Language Transmission Control Protocol (XML TCP) protocol. The server 918 can respond with Unified Resource Identifiers (URIs) for play lists and content and see Salmonsens paragraph 0104 lines 1-7 The media controller 516 enables a user to locate and select content from the media directory 518 and to select a target renderer*).

Point C. Applicants argues regarding claims 22-27 that The combination of Weast and Salmonsens fails to teach or suggest receiving a URI corresponding to a

context of the content item within a media server from an external controller, and fails to teach or suggest determining a subsequent content item at the media server to be rendered based on the context, as specifically claimed in claim 22, upon which claims 23-28 depend.

As to Point C, the examiner respectfully disagrees. The combination of Weast and Salmonsens do teach or suggest receiving a URI corresponding to a context of the content item within a media server from an external controller, and do teach or suggest determining a subsequent content item at the media server to be rendered based on the context, as specifically claimed in claim 22, upon which claims 23-28 depend (*see Salmonsens paragraph 0150, lines 1-8 The control point 932 requests information from the server 918 (external UPnP Control Point) using commands such as Simple Object Access Protocol (SOAP) commands in the eXtended Markup Language Transmission Control Protocol (XML TCP) protocol. The server 918 can respond with Unified Resource Identifiers (URIs) for play lists and content and see Weast column 7 lines 25-28 rendering of media contents 132 may be initiated via other techniques, e.g. through a context menu provided*).

Point D. Applicants argues regarding claims 4, 8, and 12 that As discussed above, the combination of Weast and Salmonsens fails to teach or suggest the elements of claims 1,5, and 9, and Saulpaugh fails to correct this deficiency. Accordingly, the applicants respectfully maintain that the rejection of claims 4, 8, and 12 under 35 U.S.C. 103(a) over Weast, Salmonsens, and Saulpaugh that relies on the combination of Weast

and Salmonsens for teaching the elements of claims 1, 5, and 9 is unfounded, and should be reversed by the Board.

As to Point D, the examiner respectfully disagrees. The combination of Weast and Salmonsens teach or suggest the elements of claims 1, 5, and 9, and the combination of Weast, Salmonsens and Saulpaugh teach or suggest the elements of claims 4, 8, and 12.

### ***Specification***

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The specification does not define computer readable medium.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**6. Claim 9-21 are rejected under 35 U.S.C. 101 because the claims are directed to non-statutory subject matter.**

7. With respect to the claims 9 the examiner has analyzed applicant's specification for the computer readable media. However, nowhere within the specification does it define computer readable media. Thus, it is the examiners position that the media could be construed as any of a number of transmission types i.e., carrier



wave, transmission media, data signal as well as a data structure each of these do not fall within the boundary of a statutory category of process, machine, manufacture, or composition of matter. There is nothing in the specification would lead one to believe that the media could not be a transmission or signal.

With respect to the claim 13, the claim recites A device comprising: a UPnP interface; a renderer that is configured to render content received from at least one media server; and a controller that is configured to control reception of the content from the media server; wherein: the controller is configured to receive a URI via the UPnP interface from an external UPnP Control Point, for receiving a content directory from the media server that provides an organization context of an item of the content, and to control selection of at least one subsequent item of the content based on the content directory.

It appears that claim 13 would interpret by one of ordinary skill as a system of software per se, failing to fall within a statutory category of process, machine, manufacture, or composition of matter. There is no hardware in claim 13.

Examiner respectfully submits that applicants' disclosure (page 1, lines 17-20 reciting "UPnP allows non-IP devices to be proxied by a software component running on IP-compliant devices. Such a component, called Controlled Device (CD) proxy, is responsible for translation and forwarding of UPnP interactions to the proxied device" provides intrinsic evidence that the device of claim 13 is intend to cover "software", functional descriptive material, per se. As such, the device of "software" alone is not a

machine, and it is clearly not a process, manufacture nor composition of matter. Thus, the claim is not limited to statutory subject matter and is therefore nonstatutory.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**8. Claims 1-3, 5-7, 9-11 and 13-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weast (US 7,454,511 B2), in view of Salmonsens et al (Salmonsens) (US 2003/0220781 A1).**

9. With respect to the claim 1, Weast reference teaches a method of enabling a UPnP-compliant MediaRenderer-Control Point combination to use an organizational context of a content item as represented in a UPnP Content Directory Service (see *column 3, lines 35-53, elements 102, Device {Control Point} and 106 Media Renderer are coupled to each other and see figure 4a, Address: Z:\MyMedia\Music*). Weast fails to explicitly teach the method comprising enabling the combination to receive a URI representative of a Content Directory Service description. However, Salmonsens reference does teach or suggest the method comprising enabling the combination to receive a URI representative of a Content Directory Service description (see *paragraph 0123, lines 1-15 The media directory 518 stores Uniform Resource Identifiers (URIs)*

*that identify content resources and see paragraph 0150, lines 1-8 The control point 932 requests information from the server 918 using commands such as Simple Object Access Protocol (SOAP) commands in the eXtended Markup Language Transmission Control Protocol (XML TCP) protocol. The server 918 can respond with Unified Resource Identifiers (URIs) for play lists and content).* Therefore, it would have obvious to a person of ordinary skill in the art at the time of invention was made to have been combined the teachings of Salmonsens to utilize the receiving a URI representative of a Content Directory Service description feature within the enabling a UPnP-compliant MediaRenderer-Control Point combination taught by Weast. The motivation for this would have been to identify a resource by name, location, or another characteristic (*see paragraph 0123, lines 1-15*).

10. With respect to the claim 2, Salmonsens further teaches comprising enabling the combination to receive the URI together with an objectID representative of the content item (*see paragraph 0123, lines 1-15 The media directory 518 stores Uniform Resource Identifiers (URIs) that identify content resources*).

11. With respect to the claim 3, Salmonsens further teaches comprising providing a ProtocolInfo string referring to the content item and the organizational context for enabling the combination to retrieve a further URI representative of the content item for being streamed using a streaming protocol (*see paragraph 0050, lines 1-9 and see paragraph 0125, lines 5-11*).

12. With respect to the claim 5, Weast further teaches an electronic device comprising a UPnP-compliant MediaRenderer-Control Point combination configured to

exploit an organizational context of a content item as represented in a UPnP Content Directory Service (*see column 3, lines 35-53, elements 102, Device {Control Point} and 106 Media Renderer are coupled to each other and see figure 4a, Address: Z:\MyMedia\Music*). Weast fails to explicitly teach the device being configured to process a URI representative of the Content Directory description. However, Salmonsens reference does teach or suggest the device being configured to process a URI representative of the Content Directory description (*see paragraph 0123, lines 1-15 The media directory 518 stores Uniform Resource Identifiers (URIs) that identify content resources and see paragraph 0008, lines 1-11 a communication media device (Control point) comprises an internal media content source, an internal interface coupled to the internal media content source and capable of carrying media content in a native format, and a media renderer*). Therefore, it would have obvious to a person of ordinary skill in the art at the time of invention was made to have been combined the teachings of Salmonsens to utilize the receiving a URI representative of a Content Directory Service description feature within the enabling a UPnP-compliant MediaRenderer-Control Point combination taught by Weast. The motivation for this would have been to identify a resource by name, location, or another characteristic (*see paragraph 0123, lines 1-15*).

13. With respect to the claim 6, Salmonsens further teaches configured to process an objectID, representative of the content item, together with the URI (*see paragraph 0123, lines 1-15 The media directory 518 stores Uniform Resource Identifiers (URIs) that identify content resources*).

14. With respect to the claim 7, Salmonsens further teaches configured to process a ProtocolInfo string referring to the content item and the organizational context for enabling the combination to retrieve a further URI representative of the content item for being streamed using a streaming protocol (*see paragraph 0050, lines 1-9 and see paragraph 0125, lines 5-11*).

15. With respect to the claim 9, Weast further teaches Control software stored on a computer-readable medium for installation on and execution by a UPnP-compliant MediaRenderer-Control Point combination for enabling the MediaRenderer to exploit an organizational context of a content item as represented in a UPnP Content Directory Service. (*see column 4, lines 45-52 Processor 202 is employed to execute various software components 214, e.g. media related services 112 and operating system services and see column 3, lines 35-53, elements 102, Device {Control Point} and 106 Media Renderer are coupled to each other and see figure 4a, Address: Z:\MyMedia\Music*). Weast fails to explicitly teach the software being configured to process a URI representative of the Content Directory description. However, Salmonsens does teach or suggest the software being configured to process a URI representative of the Content Directory description (*see paragraph 0019, lines 1-3 FIG. 5 is a component diagram showing various system, hardware, and software components of a server for usage with an emulator interface and see paragraph 0123, lines 1-15 The media directory 518 stores Uniform Resource Identifiers (URIs) that identify content resources and see paragraph 0008, lines 1-11 a communication media device (Control point) comprises an internal media content source, an internal interface coupled to the internal*

*media content source and capable of carrying media content in a native format, and a media renderer*). Therefore, it would have obvious to a person of ordinary skill in the art at the time of invention was made to have been combined the teachings of Salmonsens to utilize the receiving a URI representative of a Content Directory Service description feature within the enabling a UPnP-compliant MediaRenderer-Control Point combination taught by Weast. The motivation for this would have been to identify a resource by name, location, or another characteristic (*see paragraph 0123, lines 1-15*).

16. With respect to the claim 10, Salmonsens further teaches configured to process an objectId, representative of the content item, together with the URI (see paragraph 0123, lines 1-15 The media directory 518 stores Uniform Resource Identifiers (URIs) that identify content resources).

17. With respect to the claim 11, Salmonsens further teaches configured to process a ProtocolInfo string referring to the content item and the organizational context for enabling the combination to retrieve a further URI representative of the content item for being streamed using a streaming protocol (see paragraph 0050, lines 1-9 and see paragraph 0125, lines 5-11).

18. With respect to the claim 13, Weast further teaches A device comprising: a UPnP interface (see column 2, lines 13-17 user interface being advantageously employed to make visible available UPnP media renderers of the operating environment);  
a renderer that is configured to render content received from at least one media server (see abstract, lines 1-11 the file system services and the media related services are

further equipped to cause a media content to be rendered by a UPnP media renderer);  
and

a controller that is configured to control reception of the content from the media server (see column 5, lines 10-15 an entertainment center controller);

wherein: the controller is configured to control selection of at least one subsequent item of the content based on the content directory (see column 3, lines 19-25 UPnP media servers 104 provide media contents 132 to selected ones of UPnP media renderers 106 to render, at the control of control point 102). Weast fails to explicitly teach the controller is configured to receive a URI via the UPnP interface from an external UPnP Control Point, for receiving a content directory from the media server that provides an organization context of an item of the content. However, Salmonsens does teach or suggest the controller is configured to receive a URI via the interface from an external Control Point, for receiving a content directory from the media server that provides an organization context of an item of the content (see paragraph 0123, lines 1-15 The media directory 518 stores Uniform Resource Identifiers (URIs) that identify content resources and see paragraph 0008, lines 1-11 a communication media device (Control point) comprises an internal media content source, an internal interface coupled to the internal media content source and capable of carrying media content in a native format, and a media renderer). Therefore, it would have obvious to a person of ordinary skill in the art at the time of invention was made to have been combined the teachings of Salmonsens to utilize configured to receive a URI via the interface feature within a UPnP interface taught by Weast. The motivation for this would have been to identify a

resource by name, location, or another characteristic (see paragraph 0123, lines 1-15). The media directory 518 stores Uniform Resource Identifiers (URIs) that identify content resources and see paragraph 0008, lines 1-11 a communication media device (Control point) comprises an internal media content source, an internal interface coupled to the internal media content source and capable of carrying media content in a native format, and a media renderer).

19. With respect to the claim 14, Weast further teaches wherein the controller is configured as an other UPnP Control Point (see column 5, lines 10-15 an entertainment center controller).

20. With respect to the claim 15, Weast further teaches wherein the content directory corresponds to a UPnP Content Directory Service (see abstract, lines 7-11 dropping the file system entry corresponding to the media content into the file system entry corresponding to the UPnP media renderer.).

21. With respect to the claim 16, Weast further teaches wherein the controller is configured to automatically select the subsequent item of the content upon conclusion of rendering the item (see abstract, lines 1-11 media related services that automatically make visible to a user of the computing device and see column 3, lines 19-25 UPnP media servers 104 provide media contents 132 to selected ones of UPnP media renderers 106 to render, at the control of control point 102).

22. With respect to the claim 17, Weast further teaches wherein the controller automatically selects the subsequent item based on a random selection from a Plurality of items identified in the content directory (see abstract, lines 1-11 media related



services that automatically make visible to a user of the computing device and see column 3, lines 19-25 UPnP media servers 104 provide media contents 132 to selected ones of UPnP media renderers 106 to render, at the control of control point 102).

23. With respect to the claim 18, Weast further teaches wherein the controller automatically selects the subsequent item based on a logical order of a plurality of items identified in the content directory (see abstract, lines 1-11 media related services that automatically make visible to a user of the computing device and see column 3, lines 19-25 UPnP media servers 104 provide media contents 132 to selected ones of UPnP media renderers 106 to render, at the control of control point 102 and see column 3, lines 1-6 the order of description should not be construed as to imply that these operations are necessarily order dependent).

24. With respect to the claim 20, Salmonsens further teaches wherein the controller is configured to receive the URI together with an identifier of the item for rendering the item (see paragraph 0123, lines 1-15 The media directory 518 stores Uniform Resource Identifiers (URIs) that identify content resources and see paragraph 0008, lines 1-11 a communication media device (Control point) comprises an internal media content source, an internal interface coupled to the internal media content source and capable of carrying media content in a native format, and a media renderer).

25. With respect to the claim 21, Weast further teaches wherein the controller is configured to receive a UPnP ProtocolInfo string that refers to the item and the organizational context to facilitate receiving the item from the media server (see column 2, lines 1-7 FIGS. 3a-3b illustrate an overview of the protocol and methods for the UPnP

control point to interact with and control the UPnP media servers and the UPnP media renders).

26. With respect to the claim 22, Weast further teaches A method for execution on a UPnP media renderer comprising:

receiving the content item from the media server based on the identification (see column 6, lines 19-24 receive/pull and render provided media contents 132 from UPnP media servers 104, op 320),

rendering the content item at the UPnP media renderer (see column 6, lines 19-24 render a media content, control point device 102 instructs the applicable UPnP media renderers 106 accordingly),

determining a subsequent content item at the media server to be rendered, based on the context and rendering the subsequent content item (see column 7, lines 41-46 Upon so determining, file system services 124 and media related services 112 cooperate to cause the corresponding media content).

Weast fails to explicitly teach receiving an identification of a content item at a media server to be rendered, and a URI corresponding to a context of the content item within the media server, from an external controller, receiving the context of the content item based on the URI. However, Salmonsens does teach or suggest receiving an identification of a content item at a media server to be rendered, and a URI corresponding to a context of the content item within the media server, from an external controller, receiving the context of the content item based on the URI (see paragraph 0009, lines

1-15 receive media content from the out-of-band communication link and emulate the internal media content source so that the media renderer renders and see paragraph 0123, lines 1-15 The media directory 518 stores Uniform Resource Identifiers (URIs) that identify content resources and see paragraph 0008, lines 1-11 a communication media device (Control point) comprises an internal media content source, an internal interface coupled to the internal media content source and capable of carrying media content in a native format, and a media renderer). Therefore, it would have obvious to a person of ordinary skill in the art at the time of invention was made to have been combined the teachings of Salmonsens to utilize configured to receive a URI corresponding to a context of the content feature within receiving the content item from the media server taught by Weast. The motivation for this would have been to identify a resource by name, location, or another characteristic (see paragraph 0123, lines 1-15 The media directory 518 stores Uniform Resource Identifiers (URIs) that identify content resources and see paragraph 0008, lines 1-11 a communication media device (Control point) comprises an internal media content source, an internal interface coupled to the internal media content source and capable of carrying media content in a native format, and a media renderer).

27. With respect to the claim 23, Salmonsens further teaches wherein the URI identifies a UPnP Content Directory Service description (see paragraph 0123, lines 1-15 The media directory 518 stores Uniform Resource Identifiers (URIs) that identify content resources)

28. With respect to the claim 24, Weast further teaches wherein the external controller corresponds to a UPnP Control Point (see column 1, lines 51-57 a UPnP control point to discern the media contents available from the various UPnP media servers, and the various UPnP media renderers present in a network domain).

29. With respect to the claim 25, Weast further teaches wherein the context corresponds, to a content directory at the media server (see abstract, lines 1-11 the file system entry corresponding to the media content into the file system entry corresponding to the UPnP media renderer).

30. With respect to the claim 26, Weast further teaches wherein the determining of the subsequent content item is based on a random selection from a plurality of content items identified in the content directory item (see column 7, lines 41-46 Upon so determining, file system services 124 and media related services 112 cooperate to cause the corresponding media content and see column 3, lines 19-25 UPnP media servers 104 provide media contents 132 to selected ones of UPnP media renderers 106 to render, at the control of control point 102).

31. With respect to the claim 27, Weast further teaches wherein the determining of the subsequent content item is based on a logical order of a plurality of items identified in the content directory (see column 7, lines 41-46 Upon so determining, file system services 124 and media related services 112 cooperate to cause the corresponding media content and see column 3, lines 1-6 the order of description should not be construed as to imply that these operations are necessarily order dependent).

**32. Claims 4, 8 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weast (US 7,454,511 B2), in view of Salmonsens et al (US 2003/0220781 A1) and Saulpaugh et al (US 7,065,574 B1).**

33. With respect to the claim 4, Weast further teaches a method of enabling a UPnP-compliant MediaRenderer-Control Point combination to use an organizational context of a content item as represented in a UPnP Content Directory Service (*see column 3, lines 35-53, elements 102, Device {Control Point} and 106 Media Renderer are coupled to each other and see figure 4a, Address: Z:\MyMedia\Music*). Weast fails to explicitly teach the streaming protocol is proprietary. However, Saulpaugh teaches proprietary protocol for interface to the external device (*see column 65, lines 7-13*). Therefore, it would have obvious to a person of ordinary skill in the art at the time of invention was made to have been combined the teachings of Saulpaugh to utilize the protocol for interface to the external device feature within the enabling a UPnP-compliant MediaRenderer-Control Point combination taught by Weast. The motivation for this would have been to have a control and ownership of the streaming protocol (*see column 65, lines 7-13*).

34. With respect to the claim 8, Weast further teaches a method of enabling a UPnP-compliant MediaRenderer-Control Point combination to use an organizational context of a content item as represented in a UPnP Content Directory Service (*see column 3, lines 35-53, elements 102, Device {Control Point} and 106 Media Renderer are coupled to each other and see figure 4a, Address: 1Z:\MyMedia\Music*). Weast fails

to explicitly teach the streaming protocol is proprietary. However, Saulpaugh teaches proprietary protocol for interface to the external device (see column 65, lines 7-13). Therefore, it would have obvious to a person of ordinary skill in the art at the time of invention was made to have been combined the teachings of Saulpaugh to utilize the protocol for interface to the external device feature within the enabling a UPnP-compliant MediaRenderer-Control Point combination taught by Weast. The motivation for this would have been to have a control and ownership of the streaming protocol (see column 65, lines 7-13).

35. With respect to the claim 12, Weast further teaches a method of enabling a UPnP-compliant MediaRenderer-Control Point combination to use an organizational context of a content item as represented in a UPnP Content Directory Service (see column 3, lines 35-53, elements 102, Device {Control Point} and 106 Media Renderer are coupled to each other and see figure 4a, Address: 1Z:\MyMedia\Music). Weast fails to explicitly teach the streaming protocol is proprietary. However, Saulpaugh teaches proprietary protocol for interface to the external device (see column 65, lines 7-13). Therefore, it would have obvious to a person of ordinary skill in the art at the time of invention was made to have been combined the teachings of Saulpaugh to utilize the protocol for interface to the external device feature within the method of enabling a UPnP-compliant MediaRenderer-Control Point combination taught by Weast. The motivation for this would have been to have a control and ownership of the streaming protocol (see column 65, lines 7-13).

***Conclusion***

36. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FARRUKH HUSSAIN whose telephone number is (571)270-5652. The examiner can normally be reached on Monday-Thursday, Alt. Friday, 7:30 A.M-5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

37. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. H./  
Examiner, Art Unit 2444  
02/04/2010

/William C. Vaughn, Jr./  
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